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6 UNITED STATES OF AMERICA,  
7 Plaintiff,  
8 -vs-  
9 STEVEN RAY ST. PETER,  
10 Defendant.

No. CR-13-0018-WFN-1

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ORDER DENYING MOTION TO  
WITHDRAW GUILTY PLEA

A sentencing and motion hearing was held June 23, 2014. The Defendant, who is in custody, was present and represented by Matthew Campbell; Assistant United States Attorney Matthew Duggan represented the Government.

The Court addressed Defendant's Motion to Withdraw Guilty Plea. ECF No. 60. Defendant asked that the Court permit him to withdraw his guilty plea because he heard that some Government witnesses told someone else that they gave false statements. Such a tenuous allegation, especially following several months of investigation preceding his change of plea, does not meet the Ninth Circuit's application of the fair and just requirement for withdrawal from pleas. Defendant's eleventh hour motion appears to be an attempt to further delay a long pending case rather than based on the merits of his position.

At sentencing, the Court noted the lack of victim(s) or their representatives in Court. The Government indicated that they had been notified about the hearing, but chose not to appear. Restitution had not been requested and so was not ordered. The Court has reviewed the file and Defendant's Motion and is fully informed. This Order is entered to memorialize and supplement the oral rulings of the Court. Accordingly,

**IT IS ORDERED** that Defendant's Motion to Withdraw Guilty Plea, filed **June 20, 2014, ECF No. 60**, is **DENIED**.

1 The District Court Executive is directed to file this Order and provide copies to  
2 counsel **AND TO** United States Probation Officer Shane Moore.

3 **DATED** this 23rd day of June, 2014.

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s/ Wm. Fremming Nielsen

WM. FREMMING NIELSEN  
SENIOR UNITED STATES DISTRICT JUDGE